



**Republic v Njoroge alias Jangili & another (Criminal Case
E001 of 2024) [2025] KEHC 11361 (KLR) (31 July 2025) (Sentence)**

Neutral citation: [2025] KEHC 11361 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDAMA RAVINE
CRIMINAL CASE E001 OF 2024**

**RB NGETICH, J
JULY 31, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER NJOROGE ALIAS JANGILI 1ST ACCUSED

DA 2ND ACCUSED

SENTENCE

1. The accused persons, Peter Njoroge alias Jangili and DA, were jointly charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars were that between 20th and 21st December 2023, at [Particulars Withheld] area in Koibatek Sub-County within Baringo County, they murdered Mary Njeri.
2. By a judgment delivered on 8th May 2025, this Court acquitted the 1st accused, but found the 2nd accused guilty of the lesser offence of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*.
3. Upon conviction, the prosecution informed the Court that the 2nd accused was a first offender. The Court directed the filing of a pre-sentence report prior to mitigation.

Pre-Sentence Report

4. The report was filed as directed. It reveals that the 2nd accused hails from [Particulars Withheld] in Koibatek Sub-County. She is the third-born in a family of four. Her mother, who is ailing, runs a small hotel business in Maji Mazuri. The accused's father is deceased.



5. Born in 1994 at [Particulars Withheld] village in Uasin Gishu County, she attended [Particulars Withheld] Primary School up to Standard 7 but dropped out following her parents' separation. The family later reunited, but her father passed away a few months thereafter.
6. The accused has been supporting herself through casual work including laundry and household chores. She is a single mother of four children: twin boys in Grade 7, one child in Grade 5 (all at [Particulars Withheld] Primary School), and a two-year-old baby currently staying with her in prison. The children are otherwise under their grandmother's care. She has a history of alcohol use.
7. Her mother described the accused as hardworking, responsible for her children's needs, and never previously in conflict with the law—except for her concerning alcohol consumption.
8. The report confirms that the accused was the sole caregiver, living with her children in a rented house and relying on casual work. The children's fathers are reported to be irresponsible and absent. Her mother and relatives believe the offence was the result of provocation and alcohol use. They are open to supporting her rehabilitation and reintegration.
9. Community members echoed the view that the accused's conduct stemmed from peer influence and alcohol, not character. They support her reform and favour a non-custodial sentence.
10. The report confirms that the deceased and the accused were close friends. They had consumed alcohol together on the material day. A dispute arose over Kshs. 50, leading to a fight. The accused claims she acted in self-defence after being overpowered, resulting in the deceased falling and hitting her head on a rock. She fled, only to learn the following day that the deceased had died. She expresses deep regret and remorse.
11. The accused acknowledges her wrongdoing and emotionally recalls her friendship with the deceased. She attributes the incident to alcohol-induced anger and now pledges to stop drinking and reform. She pleads for leniency to resume care for her children.
12. The deceased's husband, Peter Njoroge alias Jangili, expressed lingering grief. He reported suffering loss of property and family disruption during his time in remand. His two children now live with their grandmother. He feels the matter is in the past and holds no grudge, though he noted no reconciliation attempts from the accused's family. He expressed willingness to forgive if compensated Kshs. 100,000, which he hopes to use for his children's welfare and business startup.
13. The probation officer noted rumours of a past relationship between the deceased and the accused's husband as a possible source of tension. The officer concluded that the accused had learnt her lesson while in remand and expressed a genuine intention to change. No objections were raised to her release, and her family is willing to receive her back and assist with counselling and reconciliation.
14. The report recommends a non-custodial sentence to allow the accused to care for her young children and rebuild her life. It proposes that she be placed under community service at Maji Mazuri Forest for a period of three years.

Mitigation

15. On 11th June 2025, Mr. Bore, counsel for the accused, mitigated on her behalf. He emphasized that the accused is a first offender, a single mother, and deeply remorseful. Her youngest child, aged one, has endured the hardship of being raised in prison. Counsel urged the Court to consider the best interests of the child, noting that imprisonment of caregivers should be a last resort. He urged the Court to impose a community service order, allowing the accused to rehabilitate while caring for her children.



He also submitted that the incident occurred under the influence of alcohol and that the accused had since become a Christian determined to turn her life around.

16. Ms. Omari, prosecution counsel, submitted that the accused had not sought forgiveness or attempted reconciliation with the victim's family. She noted that the deceased was her close friend and that the accused disappeared after the incident, only to be arrested over a month later on 1st February 2024. She observed that the area administrator's views were missing in the report and urged the Court to impose a custodial sentence to aid rehabilitation.
17. In rejoinder, Mr. Bore submitted that the accused's disappearance was not to evade justice but an act of self-preservation and reflection. He urged the Court not to view it as an aggravating factor and reiterated the need to consider a non-custodial sentence in the best interest of the child.

Determination

18. Under section 205 of the Penal Code, a person convicted of manslaughter is liable to imprisonment for life, though the sentence may be reduced depending on the circumstances of each case.
19. I have considered the mitigation tendered, the fact that the accused is a young mother of four, the youngest being in prison with her, and her status as a first offender. I have taken into account her remorse, the favourable pre-sentence report, and the support expressed by both her family and the community.
20. I also note that the victim's husband has indicated willingness to forgive and move on, subject to some restitution, and that the probation officer has recommended a non-custodial sentence. The best interests of the child, enshrined under Article 53(2) of the Constitution, further support a rehabilitative approach.
21. In the circumstances, I am inclined to impose a three-year community service placement at Maji Mazuri Forest under the supervision of the Probation Office. The accused is expected to undergo counselling and rehabilitation during this period.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 31ST DAY OF JULY 2025.

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RACHEL NGETICH
JUDGE

In the presence of:

CA Karanja.

Ms. Omari for state.

Mr. Bore for A2.

A2 Present.

